

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

<p>SONNY JOYCE, Individually and On Behalf of All Others Similarly Situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>AMAZON.COM, INC., ANDREW R. JASSY, JEFFREY P. BEZOS, BRIAN T. OLSAVKSY, DAVID A. ZAPOLSKY, and NATE SUTTON,</p> <p>Defendants.</p>	<p>CLASS ACTION</p> <p>Case No.: 2:22-cv-00617-JHC</p> <p>STIPULATED MOTION AND ORDER CONSOLIDATING RELATED ACTIONS</p> <p>NOTE ON MOTION CALENDAR: AUGUST 17, 2022</p>
<p>ASBESTOS WORKERS PHILADELPHIA WELFARE AND PENSION FUND, on behalf of itself and all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>AMAZON.COM, INC., ANDREW R. JASSY, BRIAN T. OLSAVSKY, and DAVID FILDES,</p> <p>Defendants.</p>	<p>CLASS ACTION</p> <p>Case No.: 2:22-cv-00934-JHC</p> <p>STIPULATED MOTION AND ORDER CONSOLIDATING RELATED ACTIONS</p> <p>NOTE ON MOTION CALENDAR: Noticed for same-day motion under Local Civil Rule 7(d)(1) in Case No.: 2:22-cv-00617-JHC</p>

STIPULATION
(CASE Nos. 2:22-CV-00617-JHC,
2:22-cv-00934-JHC, 2:22-cv-00950-JHC)

DETECTIVES ENDOWMENT ASSOCIATION
ANNUITY FUND, Individually and On Behalf
of All Others Similarly situated,

Plaintiff,

v.

AMAZON.COM, INC., ANDREW R. JASSY,
BRIAN T. OLSAVSKY, and DAVID FILDES,

Defendants.

CLASS ACTION

Case No.: 2:22-cv-00950-JHC

**STIPULATED MOTION AND
ORDER CONSOLIDATING
RELATED ACTIONS**

**NOTE ON MOTION CALENDAR:
Noticed for same-day motion under
Local Civil Rule 7(d)(1) in Case No.:
2:22-cv-00617-JHC**

STIPULATION
(CASE NOS. 2:22-CV-00617-JHC,
2:22-cv-00934-JHC, 2:22-cv-00950-JHC)

1 **WHEREAS**, on May 6, 2022, the above-captioned putative securities class action *Joyce v.*
2 *Amazon.com, Inc.*, 2:22-cv-00617 (“*Joyce*”) was filed against Defendants Amazon.com, Inc.
3 (“Amazon”), Andrew R. Jassy (“Jassy”), Jeffrey P. Bezos, Brian T. Olsavsky (“Olsavsky”), David
4 A. Zapolsky, and Nate Sutton, asserting claims under Section 10(b) of the Securities Exchange Act
5 of 1934 (the “Exchange Act”) (*Joyce* Dkt. No. 1);

6 **WHEREAS**, the claims alleged in *Joyce* arise from alleged misrepresentations and
7 omissions concerning Amazon’s alleged use of third-party seller data (the “Third Party Seller
8 Allegations”), and allege a putative Class Period of February 1, 2019 through April 4, 2022,
9 inclusive (*Joyce* Dkt. No. 1);

10 **WHEREAS**, on May 31, 2022, the parties in *Joyce* filed a stipulation concerning deadlines
11 for filing an amended or consolidated complaint, and deadlines for Defendants to respond to any
12 amended or consolidated complaint (*Joyce* Dkt. No. 5), which the Court approved on June 1, 2022
13 (*Joyce* Dkt. No. 11);

14 **WHEREAS**, on June 28, 2022, the putative securities class action *CWA Local 1180*
15 *Members’ Annuity Fund v. Amazon.com, Inc.*, 2:22-cv-00907 (“*CWA Local*”) was filed against the
16 same Defendants as named in *Joyce*, asserting Section 10(b) claims under the Exchange Act and
17 asserting the same Third Party Seller Allegations asserted in *Joyce*, as well as additional Section
18 10(b) claims relating to the capacity of Amazon’s fulfillment network (the “Capacity Allegations”),
19 and alleging a putative Class Period of February 1, 2019 through April 28, 2022, inclusive (*CWA*
20 *Local* Dkt. No. 1);

21 **WHEREAS**, on June 30, 2022, Plaintiff in *CWA Local* filed a Notice of Voluntary
22 Dismissal of that action (*CWA Local* Dkt. No. 10);

23 **WHEREAS**, on July 6, 2022, the above-captioned putative securities class action *Asbestos*
24 *Workers Philadelphia Welfare and Pension Fund v. Amazon.com, Inc., et al.*, 2:22-cv-00934-JHC
25 (“*Asbestos Workers*”) was filed against Defendants Amazon, Jassy, Olsavsky, and David Fildes,
26 asserting Section 10(b) claims under the Exchange Act (*Asbestos Workers* Dkt. No. 1), arising from
27
28

1 the Capacity Allegations previously asserted in *CWA Local*, and alleging a putative Class Period of
2 July 30, 2021 through April 28, 2022, inclusive (*Asbestos Workers* Dkt. No. 1);

3 **WHEREAS**, on July 6, 2022, counsel for Plaintiff in *Asbestos Workers* published a notice,
4 pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), advising members of
5 the putative class in *Asbestos Workers* of a September 6, 2022 deadline to seek appointment as Lead
6 Plaintiff in that action (the “Notice of Pendency”);

7 **WHEREAS**, on July 8, 2022, the above-captioned putative securities class action
8 *Detectives Endowment Association Annuity Fund v. Amazon.com, Inc., et al.*, 2:22-cv-0095-JHC
9 (“*Detectives*”) (together with *Joyce* and *Asbestos Workers*, the “Related Actions”) was filed against
10 the same Defendants as named in *Asbestos Workers*, asserting Section 10(b) claims premised on
11 the Capacity Allegations under the Exchange Act (*Detectives* Dkt. No. 1);

12 **WHEREAS**, on July 22, 2022, pursuant to the PSLRA, the Court entered an Order
13 appointing Universal-Investment-Gesellschaft mbH, Universal-Investment-Luxembourg S.A.,
14 Menora Mivtachim Insurance Ltd., Menora Mivtachim Pensions and Gemel Ltd., The Phoenix
15 Insurance Company, Ltd., and The Phoenix Provident Pension Fund Ltd. as Lead Plaintiffs in *Joyce*
16 (*Joyce* Dkt. No. 55);

17 **WHEREAS**, the parties agree that the Related Actions allege violations of the same law,
18 Section 10(b) and 20(a) of the Exchange Act; share some defendants in common (namely, Amazon,
19 Jassy, and Olsavsky); and reflect overlap in the alleged putative Class Periods and thus members
20 (*i.e.* July 31, 2021 to April 4, 2022, inclusive), which supports the consolidation of the Related
21 Actions (without prejudice to Defendants’ position that the Third-Party Seller Allegations and
22 Capacity Allegations reflect distinct theories of alleged fraud);

23 **WHEREAS**, the parties agree that consolidation is warranted under Federal Rule of Civil
24 Procedure (“F.R.C.P.”) 42(a) and will benefit the Court and the parties involved by decreasing the
25 amount of duplicative discovery, research, and motions practice that would result if the Related
26 Actions proceeded independently;

1 **WHEREAS**, the parties agree that, upon consolidation of the Court of the Related Actions,
2 Lead Plaintiffs will file a consolidated amended complaint that will include both the Third Party
3 Seller Allegations and the Capacity Allegations;

4 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
5 counsel, and subject to Court approval, that:

- 6 1. Pursuant to F.R.C.P. 42(a), the Related Actions (*Joyce*, *Asbestos Workers*, and
7 *Detectives*) are hereby consolidated for all purposes. All claims alleged therein shall
8 proceed under the leadership of the Lead Plaintiffs previously appointed in the *Joyce*
9 Action. All future pleadings related to any of the above-entitled matters shall bear the
10 consolidated caption of this order and shall be filed solely in case number
11 C22-0617JHC.
- 12 2. These actions shall be referred to herein as the “Consolidated Action.” This Order shall
13 apply to the Consolidated Action and to each case that is subsequently filed in this Court
14 which arises from the Third Party Seller Allegations or the Capacity Allegations, or
15 substantially similar allegations, as in the Consolidated Action.
- 16 3. The Notice of Pendency of *Asbestos Workers* is hereby vacated. No further appointment
17 of Lead Plaintiff(s) pursuant to the PSLRA is warranted in *Asbestos Workers*,
18 *Detectives*, or any other case that is subsequently filed in this Court that arises from the
19 Third Party Seller Allegations or the Capacity Allegations, or substantially similar
20 allegations, as the Consolidated Action.
- 21 4. The deadlines for Lead Plaintiffs to file, in the Consolidated Action, a consolidated
22 amended complaint consistent with the parties’ agreements set forth in this Stipulated
23 Motion, and for Defendants to respond to such complaint, shall be the deadlines set in
24 this Court’s order of June 1, 2022 (*Joyce* Dkt. No. 11).

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SO ORDERED.

Dated this 17th day of August, 2022.



THE HONORABLE JOHN H. CHUN
United States District Judge